

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

ANTONIO RAMOS-CRUZ,
Petitioner,

v.

DOMINGO EMANUELLI-HERNÁNDEZ,
LORRAINE MARTÍNEZ-ADORNO,
Respondents.

Case No. 20-cv-1589-FAB

***UNOPPOSED MOTION TO
CLARIFY OR MODIFY CONDITIONS OF RELEASE***

TO THE HONORABLE COURT:

This motion asks the Court to issue an order modifying Mr. Ramos's conditions of release so he may work, attend religious services, and run errands—as he was permitted to do under prior CFI-Carolina order without issue. This motion is unopposed and is further justified by the following factual background.

1. The action requested likely amounts to a clarification to this Court's August 2023 Pre-Adjudication Release Order (the "Release Order"). *See* ECF No. 148 (Besosa, J.) (Aug. 25, 2023), *aff'd* No. 23-1725, [2023 WL 7411495](#) (1st Cir. Nov. 7, 2023) (judgment dismissing appeal from this Court's release order). The Release Order adopted the bail-pending-appeal conditions fashioned by the CFI-Carolina during Mr. Ramos's 2017-to-2019 release. Thus, the transcript of the show cause hearing reflects: "I will order [Petitioner's] release based on the conditions imposed by the local office, OSAJ, originally in this case." ECF No. [153](#) at 11.

Critically, those CFI-set conditions enabled Mr. Ramos to work, participate in religious services, and run errands. During the August hearing, however, the parties did not have all of the

relevant release-condition documents from the CFI, which changed several times from 2017 to 2019. Indeed, though Mr. Ramos was not initially allowed to leave his home without prior authorization, the CFI-Carolina soon revised the conditions to accommodate family, work, and other personal daytime obligations with a nighttime curfew.¹ We checked this information against two credible sources: local court records and information provided by Ms. Dorisela Medina-Medina, the OSAJ officer tasked with supervising Mr. Ramos and who supervised him between 2017 and 2019.²

In contrast to the above-mentioned CFI conditions this Court seemingly adopted, Mr. Ramos is presently subject to home detention, unable to leave home without OSAJ approval. We therefore ask the Court to clarify that, in adopting the CFI's conditions of release, the Court also adopted the curfew condition that allows Mr. Ramos to leave home during the day from 7:00 am to 7:00 pm, Monday to Saturday, and from 7:30 am to 2:00 pm on Sunday.³

2. Alternatively, if the Release Order did not actually incorporate the CFI conditions described at section 1 of this motion, then Mr. Ramos respectfully asks the Court to adopt that curfew condition now, thereby allowing Mr. Ramos to meet work, religious, and family demands on the above-described schedule.

¹ Between June and August 2017, Mr. Ramos remained on twenty-four-hour “lockdown.” ECF No. [30-2](#) at 1. The schedule was gradually relaxed. Eventually, he was authorized to leave home Monday to Friday: 7:00 am to 7:00 pm, and Sundays: 7:00 am to 2:30 pm.

² OSAJ’s contact information is available at ECF No. [130-2](#) at 2. Officer Medina’s email address is dmedina@dcr.pr.gov; she’s allowed us to share it here.

³ The Release Order additionally conditioned release on electronic monitoring and a third-party custodian. This motion does not seek to modify either of these conditions.

Mr. Ramos is eager to rejoin the workforce. By working, he'll support those loved ones who've stood by him for decades: his spouse of thirty years and their son. Having enjoyed unwavering family support from day one, Mr. Ramos now hopes to give back to those who for years gave him the fortitude to press forward. He's got a job offer lined up. And he worked throughout his 2017-to-2019 release. *See, e.g.*, ECF No. 130-7 (letter from former employer); ECF No. 130-4 (letter from neighbor-employer).

3. Implementing the proposed curfew condition will not come at the expense of community safety or raise flight concerns. Mr. Ramos has a perfect supervision record. Between 2017 and 2019, he followed all conditions of supervision to a tee. *See* ECF No. 130-2 at 1-2. And, when Hurricane María leveled the island's power grid, leaving authorities unable to track EMDs, Antonio was one of the few supervisees who reported voluntarily to the CFI-Carolina in person to inquire about how to continue reporting while phone and cellphone systems were down. ECF No. 130-2 at 1-2. More recently, he's abided by all conditions of release, as reported by Officer Medina.

Above and beyond compliance with court-issued rules, Mr. Ramos, when last on bond, demonstrated his capacity to be a positive force in the community. In heartfelt letters, neighbors invariably described Antonio as kind, respectful, hardworking, humble, and selfless. *See* Exs. C-F, ECF No. 130. One neighbor said she'd trusted Mr. Ramos with her house keys. ECF No. 130-6 at 1. Another said she felt safer having Antonio around. ECF No. 130-4 at 1. Still another expressed: "Espero verlo pronto en la comunidad, pues hacen falta más personas como Antonio en nuestro Puerto Rico." ECF No. 130-3 at 1; *id.* at 2 (translation).

As account after account shows, Mr. Ramos can be trusted. He should be allowed to work, run errands, and attend church during the day. We trust the Court will agree that the modest clarification or revision is appropriate.

4. The positions of OSAJ and Respondents support the requested conditions.

Respondents' Position. Before filing this motion, counsel for Mr. Ramos contacted counsel for Respondents to discuss the subject request. PR-DOJ counsel “agree to the amendment to the conditions of release to allow Petitioner to work Mondays-Saturdays from 7:00 am to 7:00 pm.” Further, Respondents “do not object to modifying the release conditions to accommodate religious services from 7:30 am to 2:00 pm on Sunday.”

OSAJ's Position. Officer Medina has informed us that modifying the conditions of release to include our proposed changes would require an order of this Court.

WHEREFORE, it is respectfully requested that the Court note and grant this motion and issue an order expressly permitting Mr. Ramos to leave home during the hours of 7:00 am to 7:00 pm Monday-Saturday and Sunday from 7:30 am to 2:00 pm.

RESPECTFULLY SUBMITTED.

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* **CERTIFICATION:** I ECF-filed this pleading on **December 18, 2023**, notifying the parties, including counsel for respondents.

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